

House File 781

S-5067

1 Amend House File 781, as passed by the House, as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. Section 544C.1, Code 2022, is amended by adding
5 the following new subsections:

6 NEW SUBSECTION. 1A. *"Building equipment"* means any
7 mechanical plumbing, electrical, or structural components,
8 including a conveyance, designed for or located in a building
9 or structure.

10 NEW SUBSECTION. 2A. *"Conveyance"* means an elevator,
11 dumbwaiter, vertical reciprocating conveyor, escalator, or
12 other motorized vertical transportation system.

13 NEW SUBSECTION. 2B. *"Direct supervision and responsible
14 charge"* means a registered interior designer's personal
15 supervisory control of work of which the registered interior
16 designer has detailed professional knowledge. In respect
17 to preparing interior technical submissions, *"direct
18 supervision and responsible charge"* means that the registered
19 interior designer has the exercising, directing, guiding,
20 and restraining power over the preparation of the interior
21 technical submission, and exercises professional judgment in
22 all matters embodied in the interior technical submission.
23 *"Direct supervision and responsible charge"* does not mean
24 reviewing the interior technical submission prepared by another
25 person unless the reviewer actually exercises supervision and
26 control and is in responsible charge of the interior technical
27 submission.

28 NEW SUBSECTION. 2C. *"Interior alteration or construction
29 project"* means a project for an interior space or area within
30 a proposed or existing building or structure, including
31 construction, modification, renovation, rehabilitation, or
32 historic preservation, that involves changing or altering any
33 of the following:

- 34 a. The design function or layout of rooms.
35 b. The state of permanent fixtures or equipment.

1 NEW SUBSECTION. 3A. *“Interior nonstructural element”* means
2 an interior design element that does not require structural
3 bracing and that is not load-bearing according to adopted code.

4 NEW SUBSECTION. 3B. *“Interior technical submission”* means
5 a design, drawing, specification, study, or other technical
6 report or calculation that establishes the scope of an interior
7 alteration or construction project including a description of
8 standards.

9 Sec. 2. Section 544C.1, subsection 3, Code 2022, is amended
10 to read as follows:

11 3. a. ~~“Interior design”~~ *“Registered interior design”*
12 means the design of interior spaces as a part of an interior
13 alteration or construction project including the preparation
14 of ~~documents~~ interior technical submissions relating to
15 space planning, finish materials, furnishings, fixtures,
16 and equipment, and the preparation of documents relating to
17 interior construction that does not affect the ~~mechanical or~~
18 ~~structural~~ engineered systems of a building. ~~“Interior design”~~
19 ~~does not include services that constitute the practice of~~
20 ~~architecture or the practice of professional engineering.~~
21 “Registered interior design” includes all of the following:

22 (1) Programming, planning, pre-design analysis, and
23 conceptual design of interior nonstructural elements, including
24 but not limited to the selection of materials, furniture,
25 fixtures, and equipment, but not building equipment.

26 (2) Alteration or construction of interior nonstructural
27 elements and any interior technical submissions related to such
28 alteration or construction.

29 (3) Preparation of a physical plan of space within a
30 proposed or existing building or structure including all of the
31 following:

32 (a) Determinations of circulation systems or patterns.

33 (b) Determinations of the location of exit requirements
34 based on occupancy loads.

35 (c) Assessment and analysis of interior safety factors to

1 comply with building codes related to interior nonstructural
2 elements.

3 (4) Application of building codes, fire codes, and
4 accessibility standards, including but not limited to the
5 federal Americans with Disabilities Act of 1990, as applicable
6 to interior technical submissions for interior nonstructural
7 elements.

8 (5) Rendering of designs, plans, drawings, specifications,
9 contract documents, or other interior technical submissions and
10 administration of interior nonstructural element construction
11 and contracts relating to nonstructural elements in interior
12 alteration or construction of a proposed or existing building
13 or structure.

14 b. "Registered interior design" does not include any of the
15 following:

16 (1) Services that constitute the practice of professional
17 engineering or professional architecture, except as otherwise
18 provided in this chapter.

19 (2) The making of changes or additions to any of the
20 following:

21 (a) The structural system of a building, including changing
22 the building's live or dead load on the structural system.

23 (b) The building envelope, including exterior walls,
24 exterior wall coverings, exterior wall openings, exterior
25 windows and doors, architectural trim, balconies and similar
26 projections, bay and oriel windows, roof assemblies and rooftop
27 structures, and glass and glazing for exterior use in both
28 vertical and sloped applications in buildings and structures.

29 (c) The mechanical, plumbing, heating, air conditioning,
30 ventilation, electrical, vertical transportation, fire
31 sprinkler, or fire alarm systems.

32 (d) Means of egress systems, except for the exit access
33 component.

34 (e) Construction that materially affects life safety
35 systems pertaining to fire safety of structural elements or the

1 fire protection of structural elements, smoke evacuation and
2 compartmentalization systems, or fire-rated vertical shafts in
3 multi-story structures.

4 (f) Changes of building use to occupancies not already
5 allowed by the current building.

6 (g) The construction classification of the building or
7 structure according to the international building code.

8 Sec. 3. Section 544C.2, subsection 1, Code 2022, is amended
9 to read as follows:

10 1. An interior design examining board is established within
11 the bureau. The board consists of seven members: five members
12 who are interior designers who are registered under this
13 chapter and who have been in the active practice of registered
14 interior design for not less than five years, the last two of
15 which shall have been in Iowa; and two members who are not
16 registered under [this chapter](#) and who shall represent the
17 general public. Members shall be appointed by the governor
18 subject to confirmation by the senate.

19 Sec. 4. Section 544C.5, unnumbered paragraph 1, Code 2022,
20 is amended to read as follows:

21 Each applicant for registration must meet the registered
22 interior design education and practical training requirements
23 adopted by rule by the board, and have passed an examination
24 prescribed by the board that is task-oriented, focused
25 on public safety, and validated by a recognized testing
26 agency. The bureau shall register an individual who submits
27 an application to the board on the form and in the manner
28 prescribed by the board as a registered interior designer if
29 the individual satisfies the following requirements:

30 Sec. 5. Section 544C.5, subsection 2, paragraphs a, b, and
31 c, Code 2022, are amended to read as follows:

32 a. Four years of registered interior design education plus
33 two years of full-time work experience in registered interior
34 design.

35 b. Three years of registered interior design education plus

1 three years of full-time work experience in registered interior
2 design.

3 c. Two years of registered interior design education plus
4 four years of full-time work experience in registered interior
5 design.

6 Sec. 6. Section 544C.10, subsection 1, Code 2022, is amended
7 to read as follows:

8 1. It is unlawful for a person to use the title, or aid
9 or abet a person in using the title, of "registered interior
10 designer" or any title or device indicating that the person
11 is a registered interior designer unless the person has been
12 issued a certificate of registration as provided in this
13 chapter. **This section** does not prohibit the provision of
14 registered interior design services, or the use of the terms
15 "interior design" or "interior designer", by an architect or by
16 a person who is not registered as an interior designer.

17 Sec. 7. Section 544C.12, Code 2022, is amended by adding the
18 following new subsections:

19 NEW SUBSECTION. 4. A person engaged in an activity
20 traditionally performed by an interior designer, including
21 a professional service limited to the planning, design,
22 and implementation of kitchen and bathroom spaces or the
23 specification of products for kitchen and bathroom areas, in a
24 noncommercial setting.

25 NEW SUBSECTION. 5. A person not registered under this
26 chapter acting under the instruction, control, or supervision
27 of a registered interior designer, or a person executing
28 the plans of a registered interior designer, provided that
29 such a person shall not be in charge of interior technical
30 submissions.

31 Sec. 8. NEW SECTION. **544C.14 Registered interior designers**
32 **— stamp and seal.**

33 1. A registered interior designer shall have a seal with
34 which to identify all interior technical submissions issued by
35 the registered interior designer for use in this state. The

1 seal shall be of a design, content, and size prescribed by the
2 board. A registered interior designer shall only sign and seal
3 an interior technical submission within the scope of registered
4 interior design.

5 2. Interior technical submissions prepared by a registered
6 interior designer, or under a registered interior designer's
7 direct supervision and responsible charge, shall be stamped
8 with the impression of the registered interior designer's seal.
9 A registered interior designer shall not impress the registered
10 interior designer's seal on an interior technical submission
11 if the registered interior designer was not the author of
12 the interior technical submission or if interior technical
13 submission was not prepared under the registered interior
14 designer's direct supervision and responsible charge.

15 3. A registered interior designer may sign and seal an
16 interior technical submission covering the scope of the
17 registered interior design and shall have the authority to
18 submit such interior technical submission to a state or local
19 governmental entity for the purpose of obtaining any requisite
20 permit for an interior alteration or construction project.

21 4. The placement of the registered interior designer's
22 signature and seal shall indicate the document or part thereof
23 for which the seal applies. The seal and date may be affixed
24 electronically. The registered interior designer may provide,
25 at the sole discretion of the registered interior designer,
26 an original signature in the handwriting of the registered
27 interior designer, a scanned copy of the document bearing an
28 original signature, or a computer-generated signature.

29 5. A registered interior designer shall not affix, or permit
30 to be affixed, the registration number, seal, or signature of
31 the registered interior designer to any interior technical
32 submission that the registered interior designer is not
33 competent to perform.

34 6. A registered interior designer shall not sign and seal
35 an interior technical submission that was not prepared by the

1 registered interior designer or under the direct supervision
2 and responsible charge of the registered interior designer.

3 Sec. 9. NEW SECTION. 544C.15 Registered interior designer
4 stamp and seal — conflicts of interest — penalties.

5 1. A person shall not intentionally do any of the following:

- 6 a. Affix the signature or seal of a registered interior
7 designer to any interior technical submission without the
8 permission of the registered interior designer.
9 b. Use or attempt to use the interior design registration or
10 seal of another except as provided in section 544C.14.
11 c. Impersonate a registered interior designer.
12 d. Obtain or attempt to obtain registration from the board
13 by fraud.
14 e. Make any willfully false oath or affirmation to the
15 board.

16 f. As a registered interior designer, accept compensation
17 from a client in connection with a registered interior design
18 project, except as payment for the provision of registered
19 interior design services, which would reasonably appear to
20 compromise the registered interior designer's professional
21 judgment in serving the best interests of the client or public.

22 2. A person who intentionally violates a provision of
23 subsection 1 is guilty of a simple misdemeanor.

24 3. A registered interior designer shall avoid conflicts of
25 interest.

26 a. If an unavoidable conflict of interests arises, a
27 registered interior designer shall do all of the following:

28 (1) Immediately inform the client or employer of all
29 circumstances that may interfere with or impair the obligation
30 of the registered interior designer to provide professional
31 services.

32 (2) Notify the client or employer and withdraw from
33 employment at any time when it is not possible to faithfully
34 discharge the responsibilities and duties owed to the client
35 or employer.

1 *b.* If an unavoidable conflict of interest arises, a
2 registered interior designer shall not do any of the following:

3 (1) Agree to perform professional registered interior
4 design services for a client or employer if the registered
5 interior designer has a significant financial or other interest
6 that would impair or interfere with the responsibility of
7 the registered interior designer to faithfully discharge
8 professional interior design services on behalf of the client
9 or employer.

10 (2) Accept payment from any party other than a client or
11 employer for a particular project and not have any direct or
12 indirect financial interest in a service or phase of a service
13 to be provided as part of a project unless the client or
14 employer approves of the conflict.

15 (3) Solicit or accept anything of value from material or
16 equipment suppliers in return for specifying or endorsing a
17 product.

18 (4) Violate the confidences of a client or employer except
19 as otherwise required by law.

20 (5) Perform services for a client or employer while a
21 full-time employee of another employer without notifying all
22 parties concerned.

23 4. This section shall not limit the professional
24 responsibility of a registered interior designer to an owner of
25 a project when the registered interior designer is employed by
26 a person under contract to engage in interior design practice
27 for that project.

28 Sec. 10. NEW SECTION. 544C.16 Submission of interior
29 technical submissions.

30 1. A registered interior designer may sign and seal an
31 interior technical submission that is required for an interior
32 alteration or construction project and that shall be kept as
33 public record.

34 2. If a political subdivision of the state requires a
35 seal or stamp on an interior technical submission that is

1 submitted for an interior alteration or construction project,
2 the political subdivision shall accept an interior technical
3 submission impressed with the seal or stamp of a registered
4 interior designer consistent with the provisions of section
5 544C.14.

6 Sec. 11. REPEAL. Section 544C.13, Code 2022, is repealed.>

7 2. Title page, lines 1 and 2, by striking <interior design,
8 providing penalties, and including effective date provisions>
9 and inserting <registered interior design and providing
10 penalties>

COMMITTEE ON STATE GOVERNMENT

ROBY SMITH, CHAIRPERSON